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ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

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ILLINOIS  
COMMERCE COMMISSION

2007 FEB 22 A 11:17

Ken Bourkland

-vs-

Commonwealth Edison Company

Complaint as to service in St. Charles,  
Illinois.

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06-0726

CHIEF CLERK'S OFFICE

**RESPONDENT'S MOTION FOR RECONSIDERATION**

Now comes the Respondent, Commonwealth Edison Company ("Respondent" or "ComEd"), by its attorney, Mark L. Goldstein, and files this Motion for Reconsideration that portion of the Ruling of the Administrative Law Judge ("ALJ") at the January 25, 2007 status hearing, which did not sustain the objections to certain Interrogatories propounded by the Complainant, Ken Bourkland.

**INTRODUCTION**

At the January 25, 2007, after argument by ComEd's counsel, the ALJ required ComEd to respond to the following Complainant Interrogatory: "A summation of all expenditures from May 1, 2002 to date, including salaries, wages, and fringes, for the hours expended by all personnel, ComEd and Asplund, responding to this address (6N347 Old Homestead Road) for any and all purposes including but not limited to, line clearing, supervisory staff, public relations, tree removal, administrative staff, service restorations, etc."

Specifically, Respondent seeks this ALJ's reconsideration of this ruling.

**ARGUMENT**

ComEd seeks reconsideration on the following bases:

- 1) ComEd as already provided Complainant with its records regarding Complainant's property;
- 2) The term "summation of all expenditures" is vague and cannot be responded to by ComEd particularly thereafter, when Complainant seeks all the expenditures for ComEd and Asplund;
- 3) Requiring ComEd to search back to May 2002 is unduly burdensome;
- 4) Requiring ComEd to provide salaries, wages, fringes, and hours of ComEd employees is not only burdensome and irrelevant, but also highly proprietary. Moreover,

such information for supervisory staff, public relations, and administrative staff is irrelevant and cannot lead to the admission of any relevant evidence in this matter;

5) Requiring ComEd to provide salary and other information of Asplund cannot be done. ComEd does not have access to such information. Such information is irrelevant and immaterial to the core issue of this complaint, that is, whether ComEd's electric lines over Complainant's property violate Commission rules. Moreover, such information cannot lead to the admission of any relevant evidence in this matter;

6) Complainant never revealed why or how any of the objected to information is relevant to his complaint.

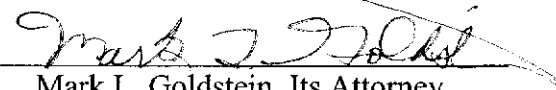
In sum, the aforementioned Interrogatory is overly broad, burdensome, irrelevant, highly proprietary, and will not lead to any relevant evidence in this matter.

### **CONCLUSION**

The core issue of the complaint, restated, is whether ComEd's electric lines at a height of 12 feet over Complainant's property violates Commission rules. If the Commission determines that the height clearances violate Commission rules, the Commission must then determine whether the lines should be elevated and to what height, or buried. Once making that determination, the Commission would have to determine whether ComEd or Complainant should pay for the raising or burial of the lines

Given the foregoing issues and the various arguments made for not responding to the outstanding Interrogatory as set forth in the ALJ rulings of January 25, 2007, as delineated in the Commission Notice of February 1, 2007, Commonwealth Edison Company respectfully requests the Administrative Law Judge to reconsider his ruling.

Respectfully submitted,  
Commonwealth Edison Company

By:   
Mark L. Goldstein, Its Attorney

Mark L. Goldstein  
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Deerfield, IL 60015  
(847) 580-5480  
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**AFFIDAVIT**

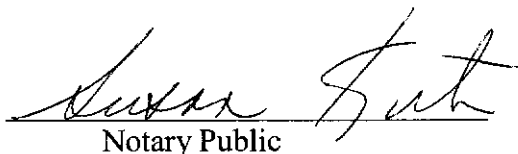
JOHN PARISE, being first duly sworn on oath, states that he is the Senior Administrator, Regulatory Strategies for the Respondent, Commonwealth Edison Company, that he has read the foregoing Respondent's Motion for Reconsideration, and that the statements set forth therein are true and correct.



John Parise

Subscribed and Sworn to before me

this 19<sup>th</sup> day of February, 2007.

  
Notary Public



**STATE OF ILLINOIS  
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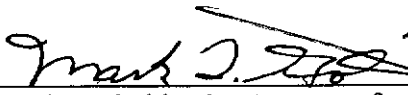
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06-0514<sup>0726</sup>

**NOTICE OF FILING**

TO: Parties on Certificate of Service

PLEASE TAKE NOTICE that on February 20, 2007 I filed with the Chief Clerk of the Illinois Commerce Commission the Respondent's AMENDED ANSWER TO THE COMPLAINT and MOTION FOR RECONSIDERATION, attached hereto, copies of which are hereby served upon you.

  
\_\_\_\_\_  
Mark L. Goldstein, Attorney for Respondent  
108 Wilmot Road, Suite 330  
Deerfield, IL 60015  
Phone: (847) 580-5480

**CERTIFICATE OF SERVICE**

I hereby certify that on February 20, 2007, I served a copy of the attached Respondent's AMENDED ANSWER and MOTION FOR RECONSIDERATION, via U.S. Mail, first class postage prepaid, addressed to each of the parties below:

Ms. Elizabeth A. Rolando  
Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701

Mr. Ken Bourkland  
6N347 Old Homestead Road  
St. Charles, IL 60175

Mr. Ian Brodsky  
Administrative Law Judge  
Illinois Commerce Commission  
160 N. LaSalle St., Ste. C-800  
Chicago, IL 60601

  
Mark L. Goldstein